

REMARKS

A. Proposed Amendment to Drawings

On September 14, 2004, Applicants filed a proposed amendment for FIG. 3 where numeral “210” was replaced with the numeral “250.” The Office Actions mailed on January 18 and June 27, 2005 did not indicate whether or not the amendment has been considered and entered. Applicants Response filed on October 20, 2005 requested that the amendment be considered in the next Office Action. Unfortunately, the Office Action mailed on January 13, 2006 has not indicated that the Amendment as been considered and entered. Accordingly, Applicants request that the amendment be considered and entered in the next Office Action.

B. 35 U.S.C. § 103

1. Clayton et al. and Fan et al.

Claims 26-28, 30-42 and 62 were rejected under 35 U.S.C. § 103 as being obvious in view of Clayton et al. and Fan et al. Applicants traverse this rejection for the same reasons given in their Response filed on October 20, 2005. It is noted that the Office Action asserts that Fan et al.’s pseudo range “is inherently related to the user’s electronic serial number.” However, the Office Action fails to provide any logical basis for its assertion. Accordingly, the rejection is improper and should be withdrawn.

Applicants’ Response presented further reasons why claim 62 is patentable over Clayton et al. and Fan et al. The Office Action has not disputed Applicants’ arguments and so the rejection of claim 62 is improper.

Despite the impropriety of the rejection, claims 26-28, 30-42 and 62 are being canceled in order to expedite having allowed claims 43-50, 64-66, 71, 72, 74-76, 79 and 80 issued in a

patent. Furthermore, Applicants have shown that the rejections are improper and so the cancellation of the claims is not related to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002). Applicants reserve the right to file claims 26-28, 30-42 and 62 in a continuation application.

2. Clayton et al. and Brock

Claims 81-84 were rejected under 35 U.S.C. § 103 as being obvious in view of Clayton et al. and Brock. Applicants traverse this rejection for the same reasons given in their Response filed on October 20, 2005. It is noted that the Office Action asserts that Brock was merely cited to show that “it is well known in the art to have [a] button explicitly indicates a dislike of an item. Thereby providing motivation to combine Brock with Clayton.” This assertion is traversed. Merely citing a reference (Brock) that discloses an item missing in another reference (Clayton) is not motivation in itself to combine. Indeed, Applicants’ Response provided ample evidence that there was no motivation to combine. The Office Action failed to address such evidence which is improper. Such failure is evidence that the rejection is improper and should be withdrawn.

Despite the improperness of the rejection, claims 81-84 are being canceled in order to expedite having allowed claims 43-50, 64-66, 71, 72, 74-76, 79 and 80 issued in a patent. Furthermore, Applicants have shown that the rejections are improper and so the cancellation of the claims is not related to patentability as defined in *Festo*. Applicants reserve the right to file claims 81-84 in a continuation application.

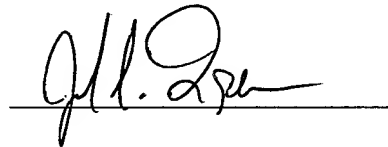
C. Claims 43-50, 64-66, 71, 72, 74-76, 79 and 80

Applicants note with appreciation that claims 43-50, 64-66, 71, 72, 74-76, 79 and 80 have been allowed.

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 43-50, 64-66, 71, 72, 74-76, 79 and 80 are in condition for allowance and seeks an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.C. Freeman", is written over a horizontal line.

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